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## COASTAL DEVELOPMENT PERMIT APPLICATION

**Application number.....3-02-081 Killen-Linder**

**Applicant.....Jay & Vance Killen, Gregory Linder**

**Project location.....San Carlos Street, 5 southwest of 8th Avenue, Carmel-by-the-Sea, Monterey County (Block 96, Lot 9; APN 010-144-005). Exhibit B. (See Exhibit A)**

**Project description.....Demolition of a 765 square foot single-story cottage and 380 square foot deck and construction of a two-story 1,983 square foot house with garage on a 4,000 square foot lot. (See Exhibit B)**

**Local approval.....City of Carmel-by-the-Sea: DS 01-17 / RE 01-20.**

**File documents.....City of Carmel-By-The-Sea adopted Land Use Plan and uncertified Zoning Ordinance; Categorical Exclusion Order E-77-13; City of Carmel Community Building and Planning Department Staff Report (06/26/02).**

**Staff recommendation ....Approval with Conditions**

**Summary:** The Applicant proposes to demolish an existing single-story residence of approximately 765 square feet and 380 square foot deck to facilitate construction of a two-story residence approximately 1,983 square feet on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed project received design review approval from the City in June 2002 prior to the City's adoption of the City's Coastal Land Use Plan and, as of yet, uncertified zoning ordinance changes. The proposed project involves demolition of an older Carmel cottage that has been modified and relocated since its original construction to the point that it therefore no longer retains sufficient integrity to be designated a historic resource. The proposed replacement is a craftsman-style residence that uses simple building forms and encourages indoor/outdoor living. As proposed, however, the replacement house would not maintain the small-scale aspect of the neighborhood and is inconsistent, therefore, with the community character protections of Chapter Three of the Coastal Act. In particular, the project exceeds the building intensity standard for 4,000 square foot lots specified in the Land Use Plan recently adopted by the City and the Commission (i.e., 1,800 s.f.). Additionally, the side and rear yard setbacks do not comply with the City's updated standards (uncertified) for maintaining visual separation between homes and the design of on-site drainage features. The project does not include removal of trees, though 3 upper canopy trees are required to be planted and nurtured per the City approval. Finally, the project site is nearly flat and thus, no grading is proposed.



**California Coastal Commission**  
**July 10, 2003 Meeting in Petaluma**

Staff: Mike Watson Approved by:

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The Commission approved the City's most recent LUP submittal at its March 6, 2003 meeting and the City formally adopted it on June 3, 2003. The land use policies and objectives provide broad policy guidance on future development and redevelopment of the City's residential housing stock. In general, though, the LUP policies require that new development be consistent with the established character of Carmel's residential district and relate to the scale and massing of homes in the immediate neighborhood and block. Additionally, there are policies that protect the City's Monterey pine and oak dominated forest resources while simultaneously addressing storm water runoff and maintaining water quality. In this case, the standard of review remains the Coastal Act, though staff has given consideration to the City's adopted Land Use Plan in its evaluation of the proposed project.

Staff is recommending that the project be approved, with conditions, as consistent with section 30253(5) of the Coastal Act for the protection of special communities. Furthermore, as conditioned, the project can be found to be consistent with section 30231 of the Coastal Act for minimizing adverse impacts from storm water runoff and erosion. Staff is recommending special conditions to require revised plans to reduce the building intensity and bring the home size into compliance with the City's adopted LUP standard. Additionally, staff is recommending incorporation of Best Management Practices (BMP's) to address potential storm water and water quality impacts. The project does not otherwise impact visual resources or coastal access, nor will it prejudice, if conditioned as recommended herein, the completion of an LCP consistent with the Coastal Act. Therefore, as conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act.



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## I. Staff Recommendation on CDP Application



The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

**Motion.** I move that the Commission approve Coastal Development Permit Number 3-02-081 pursuant to the staff recommendation.

**Staff Recommendation of Approval.** Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve a Coastal Development Permit.** The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

## II. Conditions of Approval

### A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.



## B. Special Conditions

1. Revised Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, revised plans showing the residence to be a maximum of 1,800 square feet in size (i.e., floor area) with no more than 45% (1,800 s.f.) coverage of the lot. All horizontal surfaces located within the interior of structural vertical walls shall be included in the calculation of building intensity (floor area). In addition, the revised plans shall demonstrate a composite side yard setback of 10 feet with no portion being less than 3 feet throughout the depth of the lot. Total structural coverage shall not exceed 45% of the site and total non-structural impervious coverage shall not exceed 10% of the site.
2. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be directed into permeable areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## II. Recommended Findings and Declarations

The Commission finds and declares as follows:

### A. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission recently approved a Land Use Plan (LUP) but has yet to take action on an Implementation Plan (IP). The City formally adopted the Commission's suggested modifications to the LUP on June 3, 2003 and thus, only the IP remains uncertified. Nevertheless, until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976. The adopted LUP can provide broad policy guidance and staff has referred to the LUP during its evaluation of this project, however, the main issues raised by the proposed project are reviewed for consistency with Chapter 3 of the Coastal Act.

The Commission has authorized a broad-ranging categorical exclusion within the City of Carmel (Categorical Exclusion E-77-13) that excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City. However, demolitions are not excluded under Categorical Exclusion E-77-13. Construction of the proposed replacement house is



likewise not excluded under Categorical Exclusion E-77-13 because it exceeds the building coverage limitations identified in E-77-13.

## B. Project Location and Description

The Applicant proposes to demolish an existing single-story residence and deck, approximately 765 and 380 square feet respectively, and construct a partial two-story residence with garage (1,983 square feet) in its place, on a 4,000 square foot lot in the City of Carmel-by-the-Sea. The proposed development is located on the west side of San Carlos between 8<sup>th</sup> and 9<sup>th</sup> Avenues. The neighborhood was subdivided in 1902 and has the distinction as one of the earliest subdivisions within the incorporated city limits.

The existing home is a very modest box-shaped stucco vernacular with a simple, moderately sloped gable roof and relatively large rear deck. By contrast, the architectural style of the replacement home is reflective of a modern Craftsman. The proposed two-story design incorporates simple, modest building elements and is “u” shaped with a south-exposed, open courtyard. The primary exterior features and building materials include exposed rafter tails, wood shake siding and roof materials, Carmel stone chimney and entry porch, and wood divided windows. The design invites indoor/outdoor living and is consistent with the City’s design traditions. Please see Exhibit C.

According to the City staff report, the existing home slated for demolition was moved to its current location in 1945 and was remodeled in 2000. Changes to the exterior have altered the cottage’s original context and as such, the existing structure does not qualify for historical designation under either the California Register of Historical Resources (CRHR) or the City’s criteria as a historic resource.

## C. Issue Discussion

### 1. Community Character

While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, in general, demolitions and development along Scenic Road are not excluded. Similarly, construction of new homes, such as that proposed here, that are inconsistent with the standards identified in E-77-13, are not excluded. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit.<sup>1</sup> The main issue raised by demolition and remodel projects in Carmel is the preservation of community character. Section 30253 of the Coastal Act addresses the issue of preserving the community character of special communities such as Carmel:

*30253(5): New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

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<sup>1</sup> On June 3, 2003, the City of Carmel formally adopted a Land Use Plan along with proposed Commission modifications. Though the LUP can provide guidance for staff’s review of coastal development permit applications, until the City has a fully certified LCP (both LUP and Implementation Plan) and assumes coastal development permitting responsibilities, the standard of review remains the Coastal Act.



Demolition of existing residential buildings in Carmel is not a recent phenomenon. However, a series of demolitions in the recent past have engendered controversy over whether or not an existing house represents the historical, architectural, and environmental character of Carmel; and if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics. There are a number of examples where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, about 4000 square feet, the general pattern of development is one of smaller houses.

Another aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the City and is a defining characteristic of Carmel. Demolition can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, especially if a new structure is built out to the maximum allowed by the zoning.

Carmel is also a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. The City is considered a “special community” under the Coastal Act due to its unique architectural and visual character. It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character of development within City limits as various architectural styles present reflect the historical influences that have existed over time.

#### a. Historic Resources

Historic Resources are an important component of Carmel's community character. The recent LUP adopted by the Commission includes detailed policies about how to identify and protect historic resources. Although not the formal standard of review in this project, the policies do provide useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, Land Use Plan P9-63 states:

Establish procedures to add historic resources to the Carmel Inventory based on recommendations from a qualified professional, as part of the City's ongoing survey process. To qualify for listing in the Carmel Inventory, historic resources shall meet at least one of the California Register criteria, shall be representative of at least one theme



included in the Historic Context Statement and shall retain substantial integrity.<sup>2</sup> Integrity (association, feeling, setting, location, design, materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early photographs or other substantial evidence (e.g. literature review, architectural files, land records, Sanborn maps, etc.) and/or by physical inspection by a qualified historic preservation professional.

Additionally, LUP Policy P9-64 states:

To qualify for listing in the Carmel Inventory, an historic resource eligible under California Register criterion #3 only, shall: (1) have been designed and/or constructed by an architect, design/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; (2) have been designed and/or constructed by a previously unrecognized architect, design/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts<sup>3</sup> of the City to an extent consistent with other architects, design/builders or contractors identified within the Historic Context Statement; (3) be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or (4) display a rare style or type for which special consideration should be given.

The City's recent LUP submittal contains a Historic Preservation Element that provides a process for identifying, evaluating, and designating historic resources. To ensure that all homes are evaluated for potential historic significance, when a development proposal is brought to the planning office, the assigned planner initiates the first steps in identifying whether the residence is historically significant. The first step is to consult the City's Historic Resources inventory to see if the structure has been evaluated and designated. If so, development may proceed according to the Secretary's of Interior Standards for the rehabilitation of historic resources. If the structure is not on the City's inventory, the original building plans are sought and compared with an on-site site assessment of the home. To qualify as a historic resource, the structure must retain substantial integrity. Depending on the state of a structure, a qualified professional may be called to prepare an historic evaluation that includes researching the origins of the house, its relationship to the builder, occupants, and possibly any contributions to the broad patterns of

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<sup>2</sup> Integrity is based on why a property is significant. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant. The steps in assessing integrity are (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance and (4) determine which aspects of integrity are vital if the property is to qualify as a resource (adapted from the National Register of Historic Resources, Bulletin #15).

<sup>3</sup> An historic context is a body of information about historic properties organized by theme, place and time. A single historic context describes one or more important aspects of the development of an area relating to its history, architecture, archaeology and culture. A context may be based on one or a series of events, patterns of community development, or associations with the lives of a person or group of persons that influenced the destiny and character of a place or region (from National Register Bulletin #24). Currently there are five themes developed in Carmel's Historic Context Statement. They are: (1) Prehistory and Hispanic Settlement, (2) Economic Development, (3) Government, Civic and Social Institutions (4) Architectural Development in Carmel and (5) Development of Art and Culture.





development at the local, state, or national level. The City's LUP criterion for establishing historical significance generally follows the California Register of Historical Resources eligibility requirements.<sup>4</sup> For example, a structure that has retained its integrity and is a good example of a particular architectural style or constructed by a well-known builder, would qualify as a historic resource. As such, treatment of the resource under the LUP policies specifically prohibit demolition but allow for rehabilitation with a limited amount of development including the possibility of an addition consistent with the Secretary of Interior Standards.

## Analysis

According to the evaluation provided by Kent Seavey, the existing residence was moved to its current location in 1945. It was originally constructed as a small 25' x 26' non-descript vernacular cottage with board and batten siding, wood shake roofing, a medium pitched side-gable roof, and wood casement windows. Since its relocation, the house has seen several remodels including an exterior remodel that replaced the original wood siding with the current cement stucco wall cladding. These changes have significantly altered the original context of the house as viewed from the primary elevation along San Carlos Street and are evident from the public right-of-way. It has diminished the integrity of the cottage as a good example of the distinctive type of architecture from the early 1900's. Changes to the cottage were confirmed by a staff visit to the site in early June 2003. Though its size and scale relative to the site and forest environment can be considered harmonious, whatever distinct architectural style or charm that may have existed has been lost in the remodels that have occurred over time.

## Conclusion

Based on the available evidence including original building plans, the original occupants, the builders, a site assessment, and reference to the City's Historic Context Statement, this structure does not rise to a level of historic resource in Carmel. Although it is a good example of a typical Carmel cottage, the structure does not represent the work of a master builder, the integrity of the structure has been compromised, and there are no known associations with notable persons or events. Thus, the existing structure does not qualify for listing as a historic resource under the California Register criteria for local or state or national significance. Accordingly, treatment of this cottage should proceed under the guidelines set forth in the City's LUP and uncertified zoning ordinance. The proposed demolition is consistent with section 30253(5) of the Coastal Act.

## b. Character of Existing and New Development

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<sup>4</sup> The California Register has four criteria for historic significance. These are: (1) the resource is associated with events that have made a significant contribution to broad patterns of local or regional history or the cultural heritage of California or the United States; or (2) the resource is associated with the lives of persons important to local, California or national history; or (3) the resource embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values; or (4) the resource has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.



Historic Resources are an important aspect of Carmel's community character. There are, however, other aspects of Carmel's character that are equally important to maintain and preserve such as, size and mass, architectural style, and the celebrated forest canopy. The existing structure is a modest 765 square foot box-shaped cottage built in the early 1900's. (The actual construction date was not available). The exterior of the cottage has been modified to its current cement stucco wall cladding and there is a moderately sloped side-gabled roof. The cottage otherwise resembles the original plans in size, scale, and height. Though, it no longer rises to a level of historical significance, it continues to convey a sense of and contribute to the small-scale character of Carmel and the neighborhood. The recently adopted LUP includes detailed policies about how to protect and maintain this "character" and provides useful direction for evaluating whether the project is consistent with 30253(5) of the Coastal Act.

For example, adopted Land Use Plan Policy P1-39 states:

Each site shall contribute to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping. It is intended by this policy that diversity in architecture be encouraged while preserving the broader elements of community design that characterized the streetscape within each neighborhood.

Adopted LUP Objective O1-8 states:

Preserve the traditional characteristics of scale, good site design and sensitivity to neighboring sites in the single-family residential district through the design approval of new homes, additions, and exterior remodeling. Encourage the construction of residences that are diverse and innovative in design yet compatible with the forest setting, site design and materials established by other structures within the neighborhood and adopted Residential Design Guidelines.

Adopted LUP Policy P1-40 states:

Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the limitations of the land and work with these limitations rather than ignoring them or trying to override them.

Adopted Land Use Plan Policy P1-41 states:

Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, window, roofs, and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea



and should be avoided.

Adopted Land Use Plan Policy P1-42 states:

The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Designs shall coordinate structural elements with landscaping to achieve a pleasing overall site design.

Adopted Land Use Plan Policy P1-43 states:

Prior to submittal of design plans for new development that will alter the building footprint, add a second story or involve excavation, a site plan shall be prepared by a qualified professional to document topography, drainage features, existing trees and structures, street edge, and existing conditions on adjacent properties. Using this site plan, the City's planning staff and City Forester shall prepare a preliminary site assessment that includes an evaluation of the design character, streetscape attributes, potential historic resources, and forest resources of the block and neighborhood as well as the resource constraints of the site. Submittal of a Forest Enhancement and Maintenance Plan shall be required from project applicants in response to the site assessment. The Plan shall address the impacts of the proposed development on the existing forest conditions of the site. Site Plan designs shall recognize the constraints of the land and work within these limitations. Minimize the extent of excavation and fill on a site to avoid adverse impacts on trees and to ensure that new development follows the natural contours of the site.

Adopted Land Use Plan Policy P1-45 states:

Prohibit the removal of significant trees (i.e., as determined by the City Forester) unless it would prevent a reasonable economic use of the site or pose a threat to health and safety. Locate buildings and other site structures to avoid removal and pruning and otherwise minimize damage to existing significant trees. Avoid impacts to trees by avoiding/minimizing impacts to the root protection zone identified by the City Forester during the preliminary site assessment. Establish continuity of landscape elements throughout each neighborhood. Replace trees removed for construction with appropriate trees of the urbanized forest. Require that they be nurtured until well established.

Adopted Land Use Plan Policy P1-46 states:

All demolitions, rebuilds, remodels, and substantial alterations shall be consistent with the following findings:

- The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's Design Objectives.



- Mass of the building relates to the context of other homes in the vicinity.
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.
- The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings and structures will be setback a minimum of 6 feet from significant trees.

Adopted LUP Policy P1-50 states:

Limit above grade floor area on 4,000 square foot lots to a maximum of 1,800 square feet. Projects with less above grade square footage shall be preferred. Structural coverage shall not exceed 45% of the site. Total site coverage (structural and other impermeable coverage) on 4,000 square foot lots shall not exceed 55% of the site. Locate open space so that it visually links with adjacent properties.

#### i. Size/Scale/Massing

To get a sense of the established character of Carmel, the City undertook a multiyear Design Traditions Project, which identified among other things, the essential elements of the village character. The Design Traditions Project took a comprehensive look at all natural and manmade variables that shaped Carmel's development from subdivision patterns to topographic features, the forested landscape, zoning standards, and ultimately expressions of design and architectural styles. A citizen group participating in this project under direction from the City's consultants concluded that the general pattern of development was that of small homes on small lots, and larger homes on multiple lots. Given the majority of sites are small 4,000 square foot lots, that group further distilled the essence of Carmel character to simple, modest homes nestled in the forest.

The LUP policies, which provide broad guidance for future development and redevelopment, are born out of the results of the Design Traditions Project. For example, "Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape" is a simple restatement of the Design Traditions Project conclusion. Other examples of LUP policies or policy excerpts, derived from the conclusions of the Design Traditions Project, include:

- Buildings shall not present excess visual mass or bulk to public view or to adjoining properties.
- The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.
- Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, window, roofs, and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human



form, vitiates the more intimate, rural charm and village character of Carmel-by-the-Sea and should be avoided.

The intent of these policies is to provide planners with the framework to evaluate project consistency with the established small-scale character of the community and give them discretion to guide development/redevelopment responsibly while still allowing for diversity in architectural expression. It is this notion of “cottage nestled in the forest” that is most noticeably threatened by redevelopment of the City’s residential neighborhoods.

### Project Analysis and Impacts

In the past, the Commission expressed concern that demolitions were facilitating construction of replacement home structures that were much larger in size, scale, height, etc. The primary basis for this concern was the effects these changes would have on community character. Carmel is world-renown for its small cottages. There are many examples of modern and classic literature, which describe and/or illustrate this unique element of Carmel’s community character.

In this case, the applicant proposes a 1,983 square feet two-story replacement house with garage. This is 1,218 square feet or 159% greater in size than the existing cottage and 193 square feet (11%) greater than the Land Use Plan standard. An 1,800 square feet limit was adopted by the City and approved by the Commission at its March 2003 hearing. The applicant contends that the city’s building standards at the time of approval allowed for exceptions to floor area that would bring his project into compliance with the current LUP standard. The first exception excludes half the area of floor space occupied by interior stairways between two stories. The old standard required counting the floor area on only one of the two floors the stairway connects. The second exception excluded floor area space below pitched roof elements with a low plate line resulting in a floor-to-ceiling height of 6’6” or less. The City had implemented this exception to minimize plate heights and second story building mass. Whether or not the City’s approval took these exceptions into consideration is unclear, the staff report makes no mention of this fact. Had the City approved the exception, the floor area savings would have been only a portion of the proposed second story floor area. Instead, the entire second story floor area was omitted from the overall floor area calculations. Commission staff evaluated the project plans and while the project design may have qualified for a “stairway” exception, it does not appear that any additional floor area could be excluded from the square footage calculation, as the floor to ceiling height on the second floor appears to be greater than 6’6”. Please see Exhibit D. Moreover, the City’s applicable design standards at the time had not been approved or certified by the Commission and more recently, the City’s has abandoned the exceptions in favor of standards that better address scale, massing, and volume.

More significant, due to the replacement home’s much larger size, the demolition will also facilitate an increase in mass, which will be most noticeable along San Carlos Street (east elevation). In this case, excess massing is more a function of excess floor area than exaggerated architectural design. The proposed design includes nearly 1,700 square feet of ground level living space. Adding another 300 square feet of second story living space, aside from exceeding the floor area standard, gives the appearance of a large structure on the small 4,000 square foot lot –especially in relation to the cottages immediately adjacent. Please see Exhibit D.



Appearance is exacerbated by the reduced side yard setbacks. As noted, the proposed replacement home includes nearly 1,700 of ground level living space. The proposed footprint of the replacement structure is 43% of the lot –just shy of the maximum allowed under the LUP (the maximum is 45%). The applicant proposes another 10% in impervious (non-penetrating) site coverage, bringing the total impervious site coverage to 52%. Past experience shows that redevelopment at the maximum allowed building intensity can result in less visual separation between homes, insufficient area for trees and absorption of storm water runoff, and loss of small-scale character and ambience of the site. In this case, the design of the proposed home displaces too much open space along the rear and side yards, virtually eliminating any visual separation, and which may lead to impacts on other aspects of community character such as, forest resources and water quality. However the proposed design does incorporate a generous front yard setback to maintain a visual relief from the San Carlos Street roadway. Table 1 provides a summary of the existing and proposed site conditions.



**TABLE 1 –Killen-Linder Project Site Data (40' x 100')**

Lot Size = 4,000 sq. ft.	LCP Policy	Existing	Proposed	Difference
Floor Area	1,800 sf (45%)	765 sf (29%)	1,983 sf (50%)*	159%
Bldg Coverage	1,800 sf (45%)	1,145 sf (29%)**	1,689 sf (43%)	48%
Site Coverage (non-structural)	400 sf (10%)	86 sf (2%)	400 sf (10%)	365%
Height (one-story/two-story)	18' / 24'	15'	20'	5'
Setbacks				
Front (San Carlos)	15'	22'	15'	(7')
Rear (west)	3'	31'	3'	(28')
Side Yards (combined / min)	10' / 3'	17.5' / 7'	6' / 3'	(11.5' / 4')

\* Exceeds Land Use Plan standard by 183 square feet.

\* Includes 380 square foot rear deck.

Commission staff has evaluated the submitted application materials and determined that the project, as proposed, is not consistent with the adopted LUP. The size of the proposed residence deviates significantly from the adopted standard (P1-50) limiting floor area to 1,800 square feet on 4,000 square foot lots. It is inconsistent with policy P1-41 which requires that the development not present any excess mass to the public view or adjoining properties. The design fails to provide adequate setbacks around the residence to provide visual separation between homes and minimize mass consistent with P1-42. And the proposed development is not similar in size and scale to homes on the block and the immediate neighborhood as required by P1-46. The LUP policies cited herein were adopted by the City and the Commission as specifying the requirements for new development to be protective of Carmel's character. Although not the formal standard of review for this project, they do provide guidance and confirm that the project as proposed is not consistent with the Carmel's community character. Therefore, in order to bring the proposed project into conformance with the City's adopted LUP policies and find the project consistent with Coastal Act Section 30253(5), staff is recommending Special Condition 1. This prior to issuance condition requires revised plans showing the residence to be a maximum of 1,800 square feet in size (floor area) consistent with the LUP standard. Special Condition 1 also requires the applicant to increase the minimum side yard setbacks to a composite of 10' with a minimum of no less than 3 feet. In addition, the condition places a limit on the amount of other impervious surfaces to no more than 10% of the existing lot. As so conditioned, the proposed project can be found consistent with the City's adopted LUP policies and the chapter 3 policies of the Coastal Act.

## Conclusion



Although the LUP is not yet the formal standard of review, it is useful guidance for evaluating project impacts on community character. Staff has reviewed the project and determined that the project is not consistent with the adopted LUP policies for preserving the small scale character of Carmel's residential neighborhoods. Special Condition 1 is recommended to bring the project into conformance with the adopted LUP and find the development consistent with Coastal Act section 30253(5). As so conditioned to reduce floor area, increase setbacks, and minimize impervious surfaces, the project will not have any significant impacts on character of the neighborhood or block and be visually compatible with its surroundings. Only as modified with Special Condition 1 can the project be found consistent with section 30253(5) of the Coastal Act.

## ii. Architectural Style

The City's Design Traditions Project also identified Carmel's eclectic architecture as a defining element of its character. Carmel is distinctly recognized for its small well-crafted cottages, informal streetscapes, and architectural diversity. These modest residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. Early development was greatly influenced by the Arts and Crafts movement, which stressed the use of simple designs and natural materials—quite unlike the extravagantly detailed architecture of the earlier Victorian period. Several European Revival styles became popular in the 1920's and 1930's. The introduction of more modern styles followed post-WWII. Many of Carmel-by-the-Sea's homes exhibit fine craftsmanship. Local builders often embellished their work with detailing and individual style creating a unique and appealing building design. Underlying this architectural diversity, are environmental influences (i.e., trees, topography, exposure to sunlight) and patterns of scale and form that consistently reappear to establish Carmel's character.

## Project Analysis and Impacts

The City's adopted LUP policies require that all residential designs maintain the City's enduring principals of modesty and simplicity and preserve the City's tradition of simple homes nestled in the forest (P1-41). These policies likewise recommend limiting the number of roof planes and require restraint in the use of offsets and appendages (P1-46). The principles are necessary to protect the established character of the immediate block and neighborhoods where development is proposed. In this case, the neighborhood is one block removed from the residential-commercial transition zone and includes the Sunset Theatre. In general terms, the neighborhood has seen a fair bit of redevelopment, though the homes on either side of the proposed demolition are modest single-story residences.

The cottage proposed for demolition is a modest box-shaped vernacular cement stucco residence with a simple, moderately sloped side-gable roof, and wood divided windows. The modestly sized house and understated architectural style are clearly subordinate to the mature pine residing in the San Carlos road right-of-way. Due to past remodels the house is not considered historically significant, though it contributes to the small-scale character of the neighborhood and community. The applicant proposes to replace it with a modern craftsman-inspired home with rough sawn wood shake siding, wood divided windows, Carmel stone chimney and entry porch, and wood shake roof. The home is composed of simple rectangular building elements and is "u" shaped to invite indoor/outdoor living in a south-facing open





courtyard. The design incorporates fairly low plate heights and ridge lines. The roof form is uncomplicated. There are a minimum number of offsets and appendages. Though too large in size (see the Size, Scale finding above) for the standard small lot, from a purely architectural design standpoint, it is consistent with the City's design traditions. Please see Exhibit C.

It appears from the project design that the proposed replacement house is at least partially consistent with intent of adopted LUP policies and objectives O1-8, P1-41 and P1-46 above. However, because of the large amount of floor area (1,983 s.f.) relative to the lot size (4,000 s.f.), the proposed house has a problem meeting the requirements of other complimentary design standards and principles. For instance, adopted LUP policy P1-42 requires open space to be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent properties. Similarly, Land Use Plan policy P1-46 requires that development be similar in size and scale to buildings on the immediate block and neighborhood. As demonstrated in the finding above, there is very little visual separation between the homes on either side and the home will appear much larger than the cottages on either side. Staff believes that if the applicant addresses the issue of size and scale as required by Special Condition 1 in the finding above, the proposed replacement house will be consistent with the City's architectural design traditions and the LUP standards for preserving the small-scale character of its residential neighborhoods. As conditioned, the proposed design represents a good architectural fit into the character of the block and neighborhood and is consistent with LUP policies preserving this aspect of character.

## Conclusion

The project, as submitted incorporates simple building forms, a limited number of roof planes, and a restrained use of offsets and appendages. Though the architectural expression is consistent with the City's design traditions, the proposed design exceeds the floor area standards and provides little visual relief between adjacent homes. Staff has recommended Special Condition 1 to require revised plans to address these limitations and preserve the City's tradition of simple homes set amidst a forest landscape. Only as conditioned can the project be found consistent with section 30253(5) of the Coastal Act protecting the unique character of Carmel.

### iii. Trees/Forest Character

Similar to the findings on size and scale, the City's Design Traditions Project identified the forest landscape as a significant defining element of Carmel's character. The forest provided early builders with the context for which to base their designs. The subdivision pattern laid out by Devendorf and Powers ignored the presence of trees. However, early Carmel settlers and builders made a conscious decision to acknowledge the natural features of the site including trees when designing the eclectic cottages. These folks recognized early on that the forest provided a sense of "place" unique to the Carmel experience.

The City's LUP likewise acknowledges the value of trees to the Carmel experience and provides specific protection measures to ensure development and redevelopment will not adversely impact those resources. For example LUP policies require site improvements to be compatible with and sensitive to natural features. Residential designs are required to maintain the City's tradition of simple modest homes nestled in the forest. New development is required to minimize impervious surfaces and maintain open space for



forest regeneration. Buildings need to be located to avoid removal and pruning and otherwise minimize damage to significant trees. All development must maintain a minimum 6-foot setback from significant trees. Moreover, removal of significant trees is prohibited unless it would preclude a reasonable economic use or pose a public threat to health and safety. These policies are absolutely necessary to preserve this aspect of Carmel's character as the City redevelops over the years. Redevelopment of Carmel's aging stock of residential homes poses the greatest threat to the City's forest resources.

## Project Analysis and Impacts

The Commission has expressed concern regarding the removal of significant trees and adverse impacts to the forested context of the community. Many persons believe that *the* defining characteristic of Carmel is the forested context of the landscape. Carmel is known for its Monterey pines and coast live oaks. Monterey pines are upper-canopy trees that provide the "forest" context of the village. In addition, they have been successful in colonizing the sandy soils and moderate slopes of the upper Carmel watershed where other species have not.

Many of Carmel's Monterey pines are in declining condition. Monterey pines have an average life of 60 – 70 years, some live to 100 years. Many of these character-defining upper canopy trees were planted and/or recruited naturally when the City originally developed in the early part of the last century and are thus in the sunset period of their life. In a natural setting, recruitment of volunteer pines would eventually replace those dying and dead trees. However, human impacts and disease have disrupted the natural cycle of regeneration of the Monterey pine forest. As the City redevelops with usually larger structures, there is less space available for natural recruitment. Larger buildings often require construction next to, or as is sometimes the case, removal of trees. Disease is taking its toll as well. Pine pitch canker has significantly reduced natural recruitment of volunteer pines and the efficacy of the City's efforts to "replant" trees. And thus, as the forest ages, there are fewer new trees to replace them when they die. This is all leading to an eventual decline in the prominence of Monterey pines in Carmel's urbanized forest landscape. The same trend is occurring with coast live oak. Construction impacts are taking a toll, natural elements are impacting this species, and the City's replanting efforts are not fully realizing its goals.

There are two small coast live oaks growing on the property and one larger Monterey pine in the public right-of-way. The proposed demolition and construction of the new house does not require removal of any significant trees. To aid in screening the replacement house from the streetscape and maintain the appropriate tree density on the site, the City has conditioned its approval to require 3 upper canopy trees be planted and nurtured for a period of 5 years. These will be placed near the front of the house along the eastern boundary of the lot.

## Conclusion

As currently proposed, the demolition of the existing house and construction of the new house is consistent with Coastal Act section 30253(5) protecting the forested context of the community. The City has determined that the predominant Monterey pine and coast live oak forest is important to maintaining the village character of Carmel, thus, it has conditioned its approval to require 3 upper canopy trees be planted and nurtured for 5 years.



## 2. Water Quality

Section 30231 of the Coastal Act states:

*30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Carmel-by-the-Sea lies within and at the bottom of the Carmel River watershed. Runoff from the City flows into Carmel Bay, which is designated both as an Area of Special Biological Significance (ASBS) in the California Ocean Plan, and as a California Fish and Game Ecological Reserve. It is also part of the Monterey Bay National Marine Sanctuary. An ASBS is an area designated by the State Water Resources Control Board that requires special protection of species or biological communities that could be impacted by water quality degradation. As mentioned in the findings above, Carmel Beach and the shoreline also is a highly popular public recreation area. Maintaining and restoring water quality throughout the Carmel River watershed, and in this case, Carmel's urban landscape, is necessary to protect these sensitive coastal resources.

In past applications, (see Reimers, 3-01-123, June 2002) the Commission has approved projects as consistent with Coastal Act policies and the goals for protecting community character, that maintained a greater ratio of open space to impervious surface. In the Reimers application, the ratio was 60:40, 60% open space and 40% impervious surface. The Commission found that the project preserved a sufficient amount of open space to capture the runoff from the developed hard surface areas and function as natural filter of storm water runoff. Part of the Carmel's ambience or character is the informal streetscapes. The City of Carmel-by-the-Sea does not have any formalized drainage or storm water collection facilities throughout its moderate slopes. No rain gutters or curbs to collect and direct storm water runoff. Rather the City relies primarily on natural drainages and undeveloped land to collect runoff and filter it before conveying it to Carmel Beach and into the Monterey Bay National Marine Sanctuary (MBNMS). Engineered filtration systems incorporate the use of sands and charcoal for filtering solid materials and microscopic impurities. In Carmel, the sands are naturally occurring. Its moderate slopes are comprised primarily of ancient sand dunes on top of bedrock.

There are many elements that determine the rate at which water can be absorbed into the earth. But because sand is typically coarse, absorption is generally good. In a naturally occurring environment, we would expect the vast majority of water produced by rain to be absorbed and transported to the beach below. However, as more land is made impervious, less land is available for absorption of water. The remaining undeveloped land must be sufficient to perform the natural watershed functions otherwise uncollected runoff is created.

### Applicable LUP Standards



Adopted LUP Policy P5-195 states:

Provide development guidelines and permit conditions that limit impervious surfaces and the connection of multiple impervious surfaces; implement simple infiltration techniques throughout drainage areas to efficiently manage storm water; infiltrate runoff into the soil, retain runoff for slower release and convey runoff slowly through vegetation.

Adopted LUP Policy P5-199 states:

Consistent with section 30231 of the Coastal Act, development shall not result in the degradation of coastal waters caused by the introduction of pollutants, or by changes to the landscape that adversely impact the quality, quantity and flow dynamics of coastal waters. Runoff shall not be discharged in a manner that adversely impacts the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and protect human health.

Adopted LUP Water Quality Policy P5-201 states:

BMPs shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);
- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).

Site design and source control BMPs shall be included in all new developments. Where the development poses a threat to water quality due to its size, type of land use or proximity to coastal waters (or proximity to a creek, channel or storm drain system that leads to coastal waters) and the combination of site design and source control BMPs is not sufficient to protect water quality as required by P5-199, treatment control BMPs shall be implemented.

## Analysis

In this specific case, the proposed demolition would facilitate the development of 52% of the lot versus 31% currently on site. That means there is 21% less permeable surface (858 s.f. less) available for



absorbing more runoff from the enlargement of the residence on this site. Without knowing all the variables associated with the rate of absorption at this particular site (e.g., sand condition, depth, presence of clay, available open space on adjacent lots, water pressure created by the slope and height of the roof, etc.), it is impossible to know whether the amount of proposed open space available to absorb runoff is sufficient. The individual impact of this one project may not be a problem. However, it is almost certain that if all lots are likewise developed at a similar ratio of coverage, there will not be enough open space to collect and absorb the amount of storm water runoff created by the development. And as we have seen over the past few years, many if not most, of the requests for permits to develop these small 4,000 square foot lots have been for 1,800 square foot homes with an additional 400 – 500 square feet of site coverage (i.e., 55 - 60% coverage). As a result, the cumulative effect of all past development and future proposals will eventually overwhelm the natural ability of the watershed to function through absorption and filtration of storm water runoff. Along with it water quality on Carmel's pristine beach and the Monterey National Marine Sanctuary will degrade. Recently, a study prepared by the Pews Ocean Commission concluded that a 10% increase in impermeable surface can lead to serious degradation of coastal waters; an increase on the order of 14% to 25% can result in irreversible damage to aquatic ecosystem health.

As noted in the finding above, the proposed demolition and rebuild would result in an additional 858 square feet of site coverage. The additional coverage can be expected to reduce the absorption and filtration of storm water runoff, as well as, eliminate suitable habitat for natural forest regeneration. The City relies primarily on natural drainages and open space to convey runoff from the upper slopes of the watershed, down through the City to Carmel Beach and the Monterey Bay National Marine Sanctuary. The City's adopted LUP policy P5-199 requires that all new development not result in the degradation of coastal waters and LUP policy P9-195 requires new development further limit impervious surfaces and infiltrate runoff into the soil to efficiently manage storm water runoff. In addition LUP policy P5-201 requires site design and source control Best Management Practices in all new development. Given the requirements of the LUP, the City's approval did not adequately address these issues. At a minimum, the City approval should have been conditioned to require a drainage plan documenting how runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner and to bring the project into conformance with the adopted LUP policies. This condition is needed to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest landscape, and aiding the recharge of aquifers. As proposed, however, the demolition and rebuild is inconsistent with the LUP policies and section 30231 of the Coastal Act.

To aid in controlling and containing runoff created from the increase in impervious surfaces of the new development, staff is recommending that the applicant submit a drainage plan. Special Condition 2 requires the applicant to submit a drainage plan for Executive Director review and approval, documenting how runoff from the new structure will be collected and directed on site for infiltration in a non-erosive manner. This special condition serves to ensure that runoff created by the development is captured on-site and allowed to percolate into the soils, minimizing erosion, filtering pollutants, nurturing the forest landscape, and aiding the recharge of aquifers. As conditioned, the Commission finds that the proposed project preserves the quality of coastal waters and is consistent with section 30231 of the Coastal Act.



## Conclusion

The City's LUP policies provide specific guidance on preserving the quality of coastal waters. The project, as proposed, does not fully comply with the intent of those policies, nor is consistent with section 30231 of the Coastal Act. Staff has conditioned the project to bring it compliance with chapter 3 of the Coastal Act and the uncertified policies of the City's LUP. As conditioned, the Commission finds that the proposed project preserves water quality and is consistent with section 30231 of the Coastal Act.

## 3. Local Coastal Programs

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). As described previously, the City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. The Commission has approved the City's LUP and work on the IP has commenced.

The Coastal Act provides specific guidance for issuance of coastal development permits in cases where the local jurisdiction does not have a certified LCP. Section 30604(a) of the Coastal Act states:

*Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).*

The City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve said character consistent with the Coastal Act. The City's Land Use Plan has been approved by the Commission and staff has referred to its policies for guidance on the proposed development. Nevertheless, the Coastal Act remains the standard of review and staff has had to use its best professional judgement to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

As described previously, to implement community character protection requirements of the Coastal Act, the Commission evaluates projects and measures a project's impact on coastal resources across a number of variables. These changes are also evaluated in the overall context of changes in community character. Because the more specific features that define Carmel's character, as well as their significance, has yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. One such criterion is whether the development will result in an increase in impervious surfaces, involve the demolition of notable or historic buildings or result in the removal of significant trees or vegetation. Each of these factors must be evaluated separately and together as a whole. As discussed above, the proposed demolition does not involve a historic resource. The rebuild exceeds the floor area standards for single-family residence on 4,000 square foot lots, has a larger footprint than the existing cottage, and will reduce the overall



permeable area of the site. As a result, individual and cumulative adverse impacts on community character, water quality, drainage, and the health of the Monterey pine forest may occur. Staff has recommended special conditions to address these concerns and bring the project into compliance with the Coastal Act sections for protecting coastal waters and preservation of special communities. The proposed project will replace the existing aged cottage with a Craftsman-inspired design. The architectural style of the proposed rebuild is compatible with and compliments the architectural styles noted elsewhere in the City. Only, as conditioned will the proposed demolition and rebuild be consistent with the overall character along San Carlos Street and the neighborhood.

Additionally, the proposed project will not otherwise impact public access or view opportunities available to the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Policy 30604(a) in that approval of the project has been found consistent with the Chapter 3 policies of the Coastal Act and will not prejudice development of the LCP in conformance with Chapter 3 policies of the Coastal Act.

#### 4. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The findings, incorporated by reference herein have discussed the relevant coastal resource issues with the proposal. Accordingly, the project is being approved without special conditions or the need to implement mitigating actions required of the Applicant by the Commission. All public comments received relevant to this application have been addressed either in these findings or in other correspondence. As such, the Commission finds that the proposed project will not have any significant adverse effects on the environment within the meaning of CEQA.

